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October 22, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk/Executive Director
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Docket 2021-324-WS
Application of Kiawah Island Utility, Incorporated to File Proposed Changes in Rates,
Charges, Classifications and/or Regulations for Water and Sewer Service
**Department of Consumer Affairs Comments on Proposed Customer Bill Insert
Timeline**

Dear Ms. Boyd:

The Department of Consumer Affairs (the "Department") submits this letter in response to the Commission's October 13, 2021 proposed timeline. As noted in the proposal, the dates are based on a presumed application filing date of November 11, 2021; therefore, the dates in the proposal may need to be revised if the application is not filed on that date. The Department intends to work with Kiawah Island Utility ("KIU") and the Office of Regulatory Staff ("ORS") on a schedule to propose to the Commission.

The Department concurs with the requests of Mr. Elliott, counsel for KIU, in his October 21, 2021 letter and Mr. Huber, counsel for ORS, in his October 22, 2021 letter. Specifically, the Department requests:

- 1) The Commission hold the procedural schedule in abeyance and allow the parties time to discuss a proposed schedule.
- 2) In the event the Commission proceeds with a schedule, or if the parties cannot reach concurrence, allow:

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- a. a minimum of four weeks between the company's direct testimony and other parties' direct testimony; and
- b. a minimum of two weeks between rebuttal and surrebuttal.

The timeframes in #2 above can easily be accomplished (without impacting the time the Commission has to prepare its order) by moving up the due date for KIU's direct testimony.

For the Commission's future consideration, the Department offers the following additional comments on the currently proposed timeline. The timeline provides twelve weeks from the date of filing the application for KIU to file its direct testimony. The Department submits that twelve weeks provides too much time for the company to submit testimony at the expense of other parties and the Commission. Under the proposed timeline, all other parties' direct testimonies would be due two weeks after KIU's. Rebuttal testimony is due two weeks after that and surrebuttal two weeks after rebuttal. Under the proposal, the hearing would start one week after surrebuttal is filed.

The Department submitted comments in Docket No. 2020-247-A regarding the Commission's practice and procedure regulations in rate cases. In those comments, we noted, pursuant to S.C. Code Ann. 58-5-240(C), the Commission must issue an order within six months after the filing of an application for an adjustment of rates. Due to that limited timeframe and the disadvantage it creates for intervening parties, we suggested companies be required to submit direct testimony at the time of filing applications for rate cases. While that may not be feasible currently, we believe allowing utilities one to two months to prepare direct testimony is more than adequate.

The primary purpose of direct testimony should be to support the company's application. Utilities have months to prepare applications for filing; therefore, companies should have testimony already prepared (or close to being finalized) at the time of filing. By allowing a utility two to three months to file its direct testimony, the remaining schedule is unnecessarily condensed. It drastically reduces the time for other parties to review the company's application and testimony and prepare discovery relevant to those filings, before submitting their own direct testimony. It also limits the amount of time the Commission has to consider testimony, motions, and proposed orders. Allowing more time for these aspects of a rate case would lead to more thorough, informed hearings and final orders.

We appreciate the Commission's consideration of these comments while we work with KIU and ORS to propose a schedule acceptable to the parties and the Commission. We also implore the Commission to reconsider these timelines in this and future rate cases.

Regards,

Roger Hall, Esq.
Deputy Consumer Advocate